

EXHIBIT N

MDL 1570 PLAINTIFFS' EXECUTIVE COMMITTEES

In re: Terrorist Attacks on September 11, 2001 (S.D.N.Y.)

Plaintiffs' Executive Committee for Personal Injury and Death Claims	Plaintiffs' Executive Committee for Commercial Claims
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Andrew J. Maloney III, <i>Co-Liaison Counsel</i> *KREINDLER & KREINDLER LLP Robert T. Haeefe, <i>Co-Liaison Counsel</i> MOTLEY RICE LLC	J. Scott Tarbutton, <i>Liaison Counsel</i> COZEN O'CONNOR

VIA EMAIL

June 2, 2017

Katie Barlow, Esq.
Clifford Chance US LLP
2001 K Street, N.W.
Washington, D.C. 20006-1001

RE: *In Re: Terrorist Attacks on September 11, 2001*, 03 MDL 1570 (GBD) (SN)

Dear Katie:

I write on behalf of plaintiffs in response to defendant Dubai Islamic Bank's ("DIB") May 22, 2017 correspondence concerning plaintiffs' search term list and the remaining 51 names at issue.

With respect to the first 16 names listed in the Attachment A to DIB's May 22 letter, many of which can be found in Plaintiffs' Tranche No. 1, plaintiffs maintain that each of those individuals and entities are relevant to plaintiffs' claims and are within the permissible scope of discovery as directed by Magistrate Judge Maas during the March 22, 2016 discovery conference. Plaintiffs reiterate their position that they will not subscribe to any search of DIB's database that does not include those individuals and entities, including their aliases and DIB account numbers. *See* plaintiffs' April 21, 2017 letter at p. 1.

As to the remaining 35 names,¹ there is compelling support for the inclusion of each of those individuals and entities on plaintiffs' final list, as demonstrated by the following examples summarizing the relevant allegations and evidence.

¹ Plaintiffs disagree with DIB's characterization of these 35 names as "new terms." Each of the 35 individuals and entities were named in plaintiffs' original list provided to DIB on October 10, 2016.

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AL QAEDA MEMBERS

- Abu Ubaidah al Banshiri (a/k/a Ali Amin al Rashidi) – Banshiri is a senior al Qaeda member who was present at the founding meetings of al Qaeda in Afghanistan in 1988, along with Osama bin Laden and Mamdouh Mahmoud Salim. Banshiri headed al Qaeda's Military Committee and was considered "one of the most capable and popular leaders of al Qaeda." *See* 9/11 Commission Report at p. 65.
- Khalid Ali Walid – In an interview with Jamal al Fadl, a former al Qaeda official who became a cooperating witness for the United States, al Fadl testified that al Qaeda member Khalid Ali Walid was responsible for overseeing the financial records of al Qaeda while in Sudan.

PURPORTED CHARITABLE ORGANIZATIONS

- Third World Relief Agency (a/k/a TWRA) – The TWRA is a purported charitable organization that became an integral component of al Qaeda's support infrastructure. Founded in 1987 by Dr. El Fatih Ali Hassanein, a well-connected leader of the Sudanese National Islamic Front ("NIF") and fervent supporter of Osama bin Laden, the TWRA was a primary conduit for channeling financial, logistical, and operational support for al Qaeda's global jihad. The 9/11 Commission concluded that Osama bin Laden used the TWRA to "covertly provide financial and other support for terrorist activities." *See* 9/11 Report at p. 58.
- Human Appeal International – As detailed in the U.S. Department of Defense's JTF-GTMO Matrix of Threat Indicators for Enemy Combatants, Human Appeal International is identified on the U.S. government's "list of terrorist and terrorist support entities." "Through associations with these groups and organizations, a detainee may have provided support to al-Qaida or the Taliban, or engaged in hostilities against US or Coalition forces." *See also* May 5, 2008 JTF-GTO Detainee Assessment for Boudellaa al Haj at p. 2, n. 3, stating that Human Appeal International is a Priority 3 Terrorist Support Entity ("TSE"), "defined as having demonstrated intent and willingness to provide financial support to terrorist organizations willing to attack U.S. persons or interests, or provide witting operational support to Priority 1-2 terrorist groups."

AL QAEDA RELATED INDIVIDUALS AND ENTITIES

- Saleh Salim al Shamsi – As described in a September 20, 2004 State Department Diplomatic Cable, U.S. Treasury Assistant Secretary Juan Zarate raised U.S. government concerns with U.A.E. Central Bank Governor Sultan Nasser al Suwaidi regarding "Al-Qaida financier Salah Salim Al-Shamsi," suggesting "that the USG and the UAEG consider jointly submitting his name to the UN." Zarate "explained that the U.S. had very specific concerns about this individual's activities in regards to transferring funds to Al-Qaida and Iraqi Jihadists, and that we were concerned about Al-Shamsi's network within the UAE." Zarate "suggested that at a certain point we might want to think about jointly submitting this individual's name to the UN."

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- Healing Miracle Center – According to the U.S. government, Healing Miracle Center has “concrete ties to the Al-Qaida terrorist network.” See September 2001 State Department Diplomatic Cable originating from the Secretary of State’s office in Washington, D.C., *Terrorist Fundraising: Review of Candidates for Next Tranche of Designees*: “Department provides for posts a list of 40 organizations that [REDACTED] has determined have concrete ties to the Al-Qaida terrorist network.... The organizations and individuals are all being considered for inclusion in the annex to the recently signed terrorism fundraising executive order or for other measures to block their ability to provide funds to the Al-Qaida network ... Healing Miracle Center (Kuwait; probably UAE and Yemen).”
- Union Beverage Company (a/k/a Union Beverage Factory) – As detailed in several U.S. Department of Defense Guantanamo Bay Detainee Assessments, the Union Beverage Company in the United Arab Emirates was used to funnel significant sums of money to the al Qaeda network. See April 4, 2008 JTF-GTMO Detainee Assessment for Sami Muheidine Mohamed al-Haj at p. 2 (“Detainee is reportedly a leader in the Muslim Brotherhood’s Shura Council and was involved in plans and operations to distribute weapons, to include Stinger missiles, and financial support to extremists in Chechnya. Detainee provided logistical support to Islamic militants in Chechnya through al-Haramayn in Baku-Azerbaijan (AZ), and acted as a money courier and propagandist for the al-Qaida network under the cover of his employment with the Union Beverage Company (UBC) and al-Jazeera Media.” See also May 5, 2008 JTF-GTMO Detainee Assessment for Jamal Muhammed Alwai at p. 8 (stating that the owner of Union Beverage Company sent money to the detainee for al Haramain).
- Abdelsamad Mohamed (a/k/a Abdul Samad Din Muhammed) – Mohamed was an employee at Union Beverage Company, and is the brother-in-law to senior Al Qaeda member Khalid Sheikh Mohammed (“KSM”). See April 4, 2008 JTF-GTMO Detainee Assessment for Sami Muheidine Mohamed al-Haj at p. 9. Mohamed also had a relationship with KSM’s nephew, Ali Abdul Aziz Ali (a/k/a Ammar al Baluchi). See March 28, 2007 Department of Defense Summary of Evidence for Combatant Status Review Tribunal for Ammar al Baluchi at p. 3.
- Binjab Establishment and Sana Trading (a/k/s Sana Trading Establishment) – Binjab Establishment and Sana Trading are both U.A.E. entities, located at the same address (PO Box 13621, Dubai), and owned by Khalid Amer Ballayth. Ballayth has been described by the Swiss Federal Judicial Police as “a close associate of Osama Bin Laden.”
- Mohamed Ahmed Obaid Bin Mahfouz – Bin Mahfouz was an associate of Executive Order 13224 designee Yassin al Kadi and was responsible for overseeing the operations of the Muwafaq Foundation’s branch office in Islamabad, Pakistan. According to the U.S. Treasury Department, the Muwafaq Foundation merged with al Qaeda prior to the attacks of September 11, 2001. See November 29, 2001 letter from David D. Aufhauser, Department of the Treasury General Counsel, to Switzerland’s M. Claude Nicati, Substitut du Procureur General. Additionally, bin Mahfouz had a close relationship with Khalid Amer Ballayth.

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- Rumat International (a/k/a Romat) – In an interview with Mamdouh Mahmoud Salim (founding member of al Qaeda who was found with three DIB banking cards under his name when he was arrested in September 1998 by German authorities for his role in the 1998 U.S. Embassy bombings), Salim testified that he worked for Rumat International in Dubai in 1997-1998.
- Al Kdrow – In an interview with Jamal al Fadl, a former al Qaeda official who became a cooperating witness for the United States, al Fadl testified that Mamdouh Mahmoud Salim ran the Al Kdrow company in Sudan.
- World Link Exchange (a/k/a World Link International Exchange) – World Link Exchange was shut down in October 2001 following initiatives undertaken by the Central Bank of the U.A.E. to combat money laundering in the country. See Global News Wire, *World Link Exchange to be Liquidated*, August 7, 2002.

Each of the remaining 35 individuals and entities, including those detailed above, are both relevant to plaintiffs' claims and within the permissible scope of discovery. Nevertheless, plaintiffs will endeavor to take a final look at those remaining names to determine whether there may be additional areas of compromise.

Finally, DIB's May 22 letter fails to address plaintiffs' request for information concerning the status and/or findings of DIB's search for documentation relating to the 1998 U.S. Embassy bombings. See March 22, 2016 Transcript of Record at pp. 63-64 (Magistrate Judge Maas ordering DIB to "*expand the search*" for documentation relating to "*investigations or other responses that the bank internally may have had in terms of checking whether it had troublesome accounts or relationships.*"). Plaintiffs again ask DIB to provide that information at its earliest convenience.

Plaintiffs are willing to meet-and-confer as suggested in DIB's May 22 letter. Please provide us with available dates.

Sincerely,

COZEN O'CONNOR



By: J. Scott Tarbutton

cc: Members of Plaintiffs' Executive Committees